

VOLUNTARY AGREEMENT FOR ANNEXATION AND DEANNEXATION  
BETWEEN THE COUNTY OF YORK, VIRGINIA, AND  
THE CITY OF WILLIAMSBURG, VIRGINIA

THIS VOLUNTARY AGREEMENT FOR ANNEXATION AND DEANNEXATION is made as of the \_\_\_\_ day of \_\_\_\_\_, 2002, by and between the COUNTY OF YORK, VIRGINIA ("the County"), and the CITY OF WILLIAMSBURG, VIRGINIA ("the City") pursuant to § 15.2-3106, *et seq.* of the Code of Virginia (1950, as amended) for the relocation of a portion of the common boundary line between the two jurisdictions.

WHEREAS, the City and County have determined that there exist 12 parcels of land bisected by the jurisdictional boundary line, and that the public interest would be served by a voluntary boundary line adjustment whereby all 12 parcels would become wholly included either within the City or within the County.

NOW, THEREFORE, be it hereby resolved by the City and County, each by virtue of the actions of their respective governing bodies, that the boundary line between the City and County is hereby modified as follows:

1. Relocation of Boundary Line: The City and County agree that the common boundary line between the two jurisdictions shall be modified and established as shown on a plat attached hereto as Exhibit A and entitled "Jurisdictional Boundary Adjustment between York County, Virginia, and City of Williamsburg, Virginia," dated April 11, 2002, and revised September 10, 2002, consisting of a single sheet, made by Precision Measurements, Inc., and as shown on a plat attached hereto as Exhibit B and entitled "Jurisdictional Boundary Adjustment

between York County, Virginia, and City of Williamsburg, Virginia," dated April 15, 2002, and revised September 10, 2002, consisting of two sheets, made by Precision Measurements, Inc. A metes and bounds description of the relocated boundary line is attached hereto as Exhibit C. The County agrees to the annexation by the City of those areas shown on Exhibits A and B, as being annexed, and the City agrees to cede to the County those areas so indicated on Exhibits A and B.

2. Public Utilities: The City and County each acknowledge that, to the best of their knowledge, there exist no public utilities or other improvements belonging to either of them located within any of the areas effected by this Agreement.

3. Good Faith: Each party hereto agrees to make a good faith effort to effectuate the intent of this Voluntary Agreement and to execute and deliver to the other such documents or other instruments as may appear appropriate or desirable to clarify or carry out the provisions hereof.

4. Petition to Circuit Court: The City and County agree jointly to petition either the Circuit Court for York County or the City of Williamsburg ("the Court") as required by § 15.2-3108 of the Code of Virginia to obtain affirmation of this Voluntary Agreement.

5. Action by Court: The City and County agree that if the Court does not affirm this Voluntary Agreement without modification, this Voluntary Agreement shall immediately terminate. However, the parties may waive termination by mutually agreeing to the recommended modifications.

6. Voting Rights Act Preclearance: The City and County agree to comply with the provisions of the Voting Rights Act of 1965 with respect to the necessary pre-clearance of the agreed annexation by the United States Department of Justice. Submission of an application for approval with the Justice Department shall be made no later than fifteen (15) days after the date of execution of this Voluntary Agreement and shall be expeditiously pursued by both the City and the County.

7. Effective Date: This Voluntary Agreement shall become effective as of midnight, December 31 following the date when it has been affirmed and given full force and effect by the Court.

8. Binding Effect: This Voluntary Agreement when affirmed by the Court shall be binding: (i) upon the City and County, (ii) upon the future governing bodies of the City and County, (iii) upon their assigns and, upon any successors of the City and/or County, and (iv) have full force and effect, all as provided pursuant to Chapter 30 of Title 15.2 of the Code of Virginia.

9. No Actions in Derogation of Agreement. Neither party will move to vacate, suspend or modify, or will appeal any order of the Court approving this Agreement.

10. Effect on Existing Agreements: The City and County agree that this Voluntary Annexation Agreement shall not be construed as amending or revoking any other agreements which may exist between the City and County, including without limitation, agreements for the provision of water or other utilities, or for mutual aid for law enforcement, emergency medical services or fire suppression, and

that all such agreements shall remain in full force and effect in accordance with their terms.

COUNTY OF YORK, VIRGINIA

By \_\_\_\_\_ (SEAL)

Title \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
County Attorney

CITY OF WILLIAMSBURG, VIRGINIA

By \_\_\_\_\_ (SEAL)

Title \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
City Attorney